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VIA FEDERAL EXPRESS MAIL

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Region IX, Southern California Field Office
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Los Angeles, California 90017

**Re : Yosemite Creek Superfund Site, San Francisco, CA
Shell Oil Company
Response to 104 (e) Information Request**

This letter responds to the October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") to Shell Oil Company ("Shell") with regard to the Yosemite Creek Superfund site (the "Site"). Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, Shell submits the following in response to the RFI and in accordance with the January 18, 2010 due date that EPA has established for this response.

In responding to the RFI, Shell has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. However, the RFI purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between Shell and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104 (e) (2) (A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to... [t]he identification, nature, and quantity of materials which have been...transported to a ...facility").

The RFI also defined "COCs" as any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and poly chlorinated biphenyls ("PCBs"). However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals

for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104 (e) (2) (A) of CERCLA; thus Shell has limited its review of documents and information to the COCs identified by EPA.

As you know, the California Department of Toxic Substances Control ("DTSC") conducted an extensive investigation of the BAD Site and Shell's operations in connection with it. DTSC's investigation included an information request to Shell and the DTSC files include both Shell's initial and supplemental Responses to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to the EPA. Thus, the focus of Shell's identification, review and retrieval of documents has been upon data that has not been previously provided to EPA, DTSC, or any other governmental agency that is relevant to the Site.

GENERAL OBJECTIONS

Shell asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. Shell asserts all privileges and protection it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, Shell asks that any such document be returned to Shell immediately and hereby states for the record that it is not thereby waiving any available privilege or protection as to any such document.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the RFI, Shell asks that any such documents be returned to Shell immediately so that Shell may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
3. Shell objects to any requirements to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and Shell's operations in connection with it. The DTSC investigation included an information request to Shell and the DTSC files include both Shell's initial and supplemental Responses to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding this objection, and without waiving it, Shell may produce certain information or documents in its possession, custody, or control that it previously provided to or obtained from government agencies that contain information responsive to the RFI.

4. Shell objects to Instruction 4 to the extent it seeks to require Shell, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." Shell is aware of no obligation that it has under Section 104 (e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.
5. Shell objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on Shell to supplement these responses. Shell will, of course, comply with any lawful future requests that are within EPA's authority.
6. Shell objects to Instruction 6 in that it purports to require Shell to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of Shell. EPA lacks the authority to require Shell to seek information not in its possession, custody or control.
7. Shell objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in Shell's possession, custody, or control. Shell disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known by Shell to exist" but not in Shell's possession, custody, or control.
8. Shell objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.
9. Shell objects to the definition of "identity" in Definition 7 to the extent that the definition encompasses home address of natural persons. Subject to this objection, current Shell employees and any other natural persons are identified by name and corporate address. Shell requests that any other contacts with Shell employees identified in these responses or the related documents be initiated through Roberta Lewis.
10. Shell objects to the definition of "you," "Respondent," and "company" in Definition 14 because the terms are overbroad and it is not possible for Shell to answer questions on behalf of all the persons and entities identified therein. Notwithstanding this objection, and without waiving it, Shell has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.
11. Shell objects to EPA's requests that Shell provide EPA separately information that is contained in documents being furnished by Shell in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

Subject to the foregoing objections and all objections stated within Shell's responses to individual requests, the following are Shell's responses to the RFI. The requests are shown in bold-face type, and Shell's responses are in light-face type below each request.

INFORMATION REQUEST
REQUESTS AND RESPONSES

- 1. Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying each of the products manufactured by Shell is not feasible due to the scope of products and long history of the company.

Notwithstanding the foregoing, and without any waiver of its objections, Shell answers as follows: Shell Oil Company including its equity companies, is primarily engaged, principally in the United States, in the exploration for, and development, production, purchase, transportation, and marketing and trading of, crude oil and natural gas, and the purchase, manufacture, transportation and marketing of oil and chemical products. In addition, Shell Oil is engaged in the exploration for, and production of, crude oil and natural gas outside the United States on a limited and selected basis.

- 2. Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:**
 - a. Ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.**
 - b. Are/were located in California (excluding locations where ONLY clerical/office work was performed);**
 - c. Are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding any facility located in California (excluding locations where ONLY clerical/office work was performed) and any facility located outside of California that shipped drums or other

containers to any location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Shell answers as follows: Shell has not identified any documentation from its own files indicating it had any kind of business relationship with the entities identified in the RFI as having operated the BAD Site located at 1212 Thomas Avenue, San Francisco, California relating to that location. Shell did find documents that indicate it had some business relationship with Waymire and Meyers, but, either the documentation specified no location or a location other than 1212 Thomas Avenue.

- 3. Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:**
 - a. The date such operations commenced and concluded; and**
 - b. The types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, Shell objects to the request in (b.) that it describe "types of work performed at each location over time..." Without identification by the EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at various facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections,

See Response to Request No. 2.

- 4. For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require Shell to describe "types of records". If documents had been provided in response to this RFI, each and every document regarding SOIs would not also be "identified" by describing its contents. Shell further

objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus Shell has limited its review of documents and information to COCs identified by EPA.

Notwithstanding the foregoing, and without waiver of its objection, see Response to Request No. 3.

- 5. Did Respondent ever (not just during the Relevant Time Period) produce, purchase, and use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at Shell's Facilities and the BAD Site, Request No.5 purports to seek information relating to Shell's Facilities that is not relevant to contamination at the Site.

- 6. If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.**

RESPONSE:

See Response to Request No. 5.

- 7. If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.**

RESPONSE:

See Response to Request No. 5.

- 8. If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.**

RESPONSE:

See Response to Request No. 5.

- 9. If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.**

RESPONSE:

See Response to Request No.5.

- 10. Did Respondent ever (not just during the Relevant Time Period) Produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at Shell's Facilities and the BAD Site, Request No. 10 purports to seek information relating to Shell's Facilities that is not relevant to contamination at the Site.

- 11. If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.**

RESPONSE:

See Response to Request No. 10.

- 12. If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was purchased, produced, used, or stored.**

RESPONSE:

See Response to Request No. 10.

- 13. If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.**

RESPONSE:

See Response to Request No. 10.

- 14. If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.**

RESPONSE:

See Response to Request No. 10.

- 15. Provide the following information for SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:**

- a. Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the method and location of disposal.**

- h. Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;**
- c. State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;**
- d. Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to Shell's facilities that is not relevant to contamination at the Site.

16. For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:

- a. The type of container (e.g. 55 gal. drum, tote, etc.);**
- b. Whether the containers were new or used; and**
- c. If the containers were used, a description of the prior use of the container.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to Shell's Facilities that is not relevant to contamination at the Site.

17. For each container the respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly

burdensome. Shell further objects to Request No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 17 purports to seek information that does not exist.

Shell further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus Shell has limited its review of documents and information to COCs identified by EPA.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Shell responds as follows:

See Response to Request No. 2.

- 18. For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identify all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent the EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see Response to Request No. 2.

- 19. For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Shell further objects to Request No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 19 purports to seek information that does not exist. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

- 20. Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to Shell's Facilities that is not relevant to contamination at the Site. Shell further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

- 21. Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:**
- a. The type of container in which each type of waste was placed/stored;**
 - b. How frequently each type of waste was removed from the Facility**

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

22. Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:

- a. The type of container (e.g. 55 gal. drum, dumpster, etc.);**
- b. The colors of the containers;**
- c. Any distinctive stripes or other markings on those containers;**
- d. Any labels or writing on those containers (including the content of those labels);**
- e. Whether those containers were new or used; and**
- f. If those containers were used, a description of the prior use of the container;**

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Shell further objects to Request No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 22 purports to seek information that does not exist.

As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of contaminants of concern" at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Shell further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at

the Site and that is not relevant to the Site; thus, Shell has limited its review of documents and information to the COCs identified by EPA. Additionally, Shell objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to any other place during any time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, Shell responds as follows:

See Response to Request No. 2.

- 23. For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. Shell further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus Shell has limited its review of documents and information to the COCs identified by EPA. Additionally, Shell objects to Request No.23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to any other place during any time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

- 24. Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all individuals who currently have, and those who have had, responsibility for Shell's environmental matters at all of Shell's Facilities, including those that have no nexus to the BAD Site, is not feasible due to the long history of existence/operations and number of Shell's locations.

Notwithstanding the foregoing, and without any waiver of its objections, see Response to Request No. 2.

- 25. Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Identifying all drum recyclers or drum reconditioners from which Shell has ever acquired such drums or containers is not feasible due to the long history of existence/operations and the number of Shell's locations. Moreover, identifying all such drum recyclers or drum reconditioners is not relevant to identifying the nature or quantity of materials which have been transported to the BAD Site.

Notwithstanding the above,

see Response to Request No. 2.

- 26. Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?**

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Shell further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, Shell has limited its review of documents and information to the COCs identified by EPA.

- 27. Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C § 2601 et seq.**

where (a) one of the COCs was addressed by the cleanup and (h) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (h) is related to one of the above-mentioned sites.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. Moreover, identifying all such removal and remedial actions is not feasible due to the long history of existence/operations and the number of Shell's locations. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. Shell further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

28. Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and Shell's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. Shell understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing objections,

see Response to Request No. 2.

29. Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used or stored at the Facilities.

RESPONSE:

In addition to the General Objections set forth above, Shell objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, Shell has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, Shell understands that EPA is already in possession of DTSC's files regarding the BAD Site. Shell is under no further obligation to identify time periods to which these documents do not pertain.

30. **Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.**

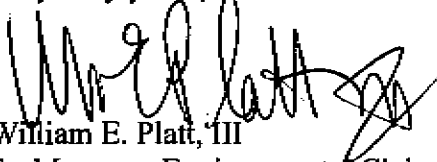
RESPONSE:

Shell objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, Shell has limited its review of documents and information to the COCs identified by EPA. Shell further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and Shell's operations in connection with it. DTSC's investigation included an information request to Shell and the DTSC files include both Shell's initial and supplemental Responses to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files they are readily available to EPA.

Notwithstanding the foregoing objections,

see Response to Request No. 2.

Very truly yours,


William E. Platt, III
Sr. Manager, Environmental Claims